

McCarthy & Holthus, LLP
Cole Patton SBN 24037247
Yoshie Valadez SBN 24091142
Nancy Lee SBN 272035 (CA)
MHTbankruptcy@mccarthyholthus.com
1255 West 15th Street Suite 1060 Plano, TX 75075
Phone: (214) 291-3800
Fax: (214) 291-3801
ATTORNEYS FOR CREDITOR
TX-24-177589

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FT. WORTH DIVISION**

IN RE: § **CASE NO. 24-42560**
MICHAEL AARON PRITCHARD, JOI §
LYNN PRITCHARD, § **CHAPTER 13**
DEBTOR(S) §

OBJECTION TO CONFIRMATION BY BANK OF AMERICA, N.A.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW BANK OF AMERICA, N.A. (collectively referred to as "Creditor"), a secured creditor and party in interest, and pursuant to 11 U.S.C. §§ 1322(b)(2), 1322(b)(5), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files its *Objection to Confirmation* of Debtor's proposed Chapter 13 Plan ("Plan"), and in support thereof would respectfully show the Court as follows:

BACKGROUND

1. Debtors filed a voluntary petition under Chapter 13 of Title 11, United States Bankruptcy Code on 7/24/2024.
2. BANK OF AMERICA, N.A. is the holder of a promissory note ("Note") in the

original principal sum of \$113,000.00, dated 10/7/2021, which was executed by MICHAEL AARON PRITCHARD to BANK OF AMERICA, N.A.. The Note is secured by a certain deed of trust (“Security Instrument”) of even date therewith granting a lien against real property more fully described as:

LOT 48, IN BLOCK 1, CORRECTED FINAL PLAT OF PARADISE ADDITION, AN ADDITION TO THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 388-166, PAGE(S) 4, OF THE MAP AND/OR PLAT RECORDS OF TARRANT COUNTY, TEXAS TAX ID [REDACTED]

and commonly known as 3926 Wentworth Dr, Arlington, TX 76001-5298. The Note, including any modifications thereto, and the Security Instrument are collectively referred to herein as the “Mortgage Loan.”

3. Creditor is working on its proof of claim which it anticipates will be filed by the claims bar date in this case. The allegations and other factual contentions in this objection have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation when Creditor files its proof of claim.

OBJECTION TO PROPOSED PLAN

4. Creditor objects to confirmation of the Plan because the Plan understates the pre-petition arrears due and owing under the Mortgage Loan. In the Plan, the Debtors propose to pay Creditor \$0.00 in pre-petition arrears. Creditor is entitled to full payment of its anticipated pre-petition arrearage claim, in the amount \$716.99 pursuant to the Mortgage Loan.

5. As the arrears listed for Creditor are understated, the Plan may not be feasible and therefore, the Plan does not meet all of the requirements for confirmation.

6. Creditor has had to retain counsel to represent it before this Court and is incurring

legal expenses and attorneys' fees for the handling of this *Objection to Confirmation*.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Creditor prays that this Court deny confirmation of the Plan as proposed, award attorneys' fees and costs, and grant Creditor such other and further relief, at law and in equity, as is just.

Respectfully Submitted,

MCCARTHY & HOLTHUS, LLP

/s/ Nancy Lee

Cole Patton SBN 24037247
Yoshie Valadez SBN 24091142
Nancy Lee SBN 272035 (CA)
MHTbankruptcy@mccarthyholthus.com
1255 West 15th Street Suite 1060
Plano, TX 75075
Phone: (214) 291-3800
Fax: (214) 291-3801
Atty File No.: TX-24-177589
ATTORNEYS FOR CREDITOR

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the foregoing Objection to Confirmation was served on all parties listed below by U.S. Mail first class postage prepaid or electronically through the Court's ECF System at the email address registered with the Court on 8/1/2024.

By U.S. Mail:

Michael Aaron Pritchard
3926 Wentworth Drive
Arlington, TX 76001

Joi Lynn Pritchard
3926 Wentworth Drive
Arlington, TX 76001

Electronically through the Court's ECF System:

COUNSEL FOR

DEBTOR(S)
Jesse Schodrof Garcia
Bryeans & Garcia, PLLC
5001 S. Cooper Street
Ste 209
Arlington, TX 76017

TRUSTEE
Tim Truman
6851 N.E. Loop 820
Suite 300
North Richland Hills, TX
76180

U.S. TRUSTEE
US Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242

MCCARTHY & HOLTHUS, LLP

/s/ Nancy Lee
Nancy Lee
Atty file no.: TX-24-177589